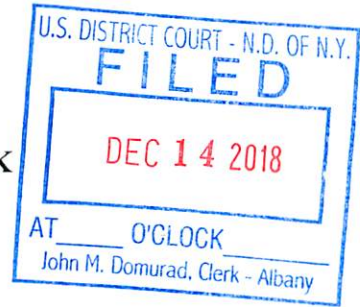


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



IN RE:

\$50,000 in U.S. Currency

related to
Case No.: 1:18-mj-434

1:18-MC-39 (CFH)

**GOVERNMENT'S APPLICATION TO
EXTEND THE DEADLINE TO FILE CIVIL FORFEITURE COMPLAINT**

Pursuant to 18 U.S.C. § 983(a)(3)(A), the United States respectfully requests that the Court execute the attached proposed order extending the government's deadlines to file a civil forfeiture case against the above-captioned assets to February 1, 2019. In support of its application, the government states as follows:

WHEREAS, Title 18, United States Code, Section 983(a)(3)(A) provides that:

[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*.

18 U.S.C. § 983(a)(3)(A) (emphasis added).

WHEREAS, on or about September 28, 2018, the U.S. Customs and Border Protection received an administrative claim from Xiaoqing Zheng electing to have the matter of the seizure and forfeiture of the above-listed asset referred for judicial action.

WHEREAS, Xiaoqing Zheng is the only claimant to have filed an administrative claim in connection with this forfeiture.

WHEREAS, in accordance with 18 U.S.C. § 983(a)(3)(A), the deadline for the

government to file a judicial forfeiture action in this case, in the absence of an agreement of the parties or for good cause shown, is December 27, 2018.

WHEREAS, the undersigned and Zheng's counsel, Kevin Luibrand, have agreed to extend the deadline for the government to file a civil forfeiture action to February 1, 2019. *See* 18 U.S.C. § 983(a)(3)(A); *United States v. Miscellaneous Firearms, Silencers and Ammunition*, 2012 WL 3877797, at *3 (N.D. Cal. Sept. 6, 2012) (complaint was timely filed because claimant, through counsel, agreed to an extension of time).

WHEREAS, the government respectfully requests that the Court execute the attached proposed order extending the time for the United States to file complaint.

Dated: December 11, 2018

GRANT C. JAQUITH
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